

LAW OFFICES
YANKWICH & ASSOCIATES
201 BROADWAY
CAMBRIDGE, MA 02139

RECEIVED
CENTRAL FAX CENTER
SEP 10 2004

Telephone No.
617-374-3700

Telefax No.
617-374-0055

DATE: September 10, 2004

FACSIMILE TRANSMISSION

TRANSMIT TO: Commissioner for Patents
Washington, DC 20231

ATTENTION: Examiner Raymond Akhavan of Group 1636

FACSIMILE NO.: 703-872-9306

FROM: Thomas R Berka, Ph.D. (Reg. No. 39,606)

RE: U.S. Ser. No. 09/536,736
(Atty. Docket No. QGN-009.1 US)
filing date: March 28, 2000

NUMBER OF PAGES TO FOLLOW:

2

MESSAGE:


Examiner Akhavan:

Further to our telephone conversations of Thursday, September 9, 2004, I transmit herewith the attached Request for withdrawal of a Notice of Appeal and for continuation of examination in the above-identified US patent application. Thank you.

Respectfully submitted,
Thomas R Berka, Ph.D. (Reg. No. 39,606)

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this sheet and accompanying papers are being transmitted by facsimile on September 10, 2004, under a facsimile cover sheet to facsimile number (703) 872-9306 addressed to the Commissioner for Patents, Alexandria, VA 22313-4150 and to the attention of Examiner R. Akhavan of Group 1636.


Thomas R Berka, Ph.D. (Reg. No. 39,606)

The information contained in this transmission is privileged and confidential. It is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately by telephone to arrange for return of the original message to the above address via courier or post. Thank you.

RECEIVED
CENTRAL FAX CENTER

SEP 10 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Bastian et al.
Serial No.:	09/536,736
Filed:	March 28, 2000
Title:	METHOD FOR ISOLATING AND PURIFYING NUCLEIC ACIDS ON SURFACES

ART UNIT: 1636

EXAMINER: R. Akhavan

Attorney Docket No.: QGN-009.1 US

via facsimile

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

REQUEST FOR WITHDRAWAL OF NOTICE OF APPEAL
AND FOR CONTINUATION OF PROSECUTION

Sir:

Applicants recently became aware that a Notice of Appeal was inadvertently submitted along with an Amendment in the above-identified application on August 11, 2004, in response to a non-final office action (Paper No. 11, dated February 11, 2004). The Amendment was timely filed along with a petition for a three-month extension of time and appropriate fees.

Applicants' attorney contacted Examiner Akhavan by telephone on Thursday, September 9, 2004, to alert the Examiner of this error with respect to the Notice of Appeal and to request advice on how to proceed so that the Notice of Appeal may be withdrawn without closing prosecution. The Examiner advised Applicants' attorney to make this formal request for withdrawal of the Notice and for continuation of examination of the application.

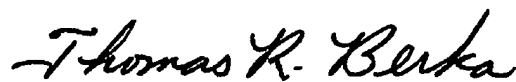
Accordingly, Applicants through their attorney respectfully request entry of the Amendment previously submitted on August 11, 2004, as a paper filed under 37 CFR 1.111, and that examination be continued in this application, and, further, that the Notice of Appeal and the resultant requirement for filing an Appeal Brief be withdrawn. Applicants also respectfully request that the status of this case be changed accordingly with grant of this request.

Page 2
US Serial No. 09/536,736
(Attorney Docket No.: QGN-009.1 US)

Applicants' attorney sincerely apologizes for any inconvenience to the Examiner and the Patent Office in this matter.

To avoid abandonment, the Commissioner is hereby authorized to charge any fee required for this request to Deposit Account No. 50-0268.

Respectfully submitted,



Thomas R Berka, Ph.D. (Reg. No. 39,606)
Attorney for Applicant
Yankwich & Associates
201 Broadway
Cambridge, Massachusetts 02139
Tel.: (617) 374-3700
Fax: (617) 374-0055